HEARING DAMAGE CASES

SUIT AGAINST MARY P. GOLIBARD IN JUDGE M'MASTER'S ROOM.

It Was Brought in Behalf of a Young Boy-Probate Court Matters-In Other Courts.

Jury cases began in the Superior Court yesterday. In Room 1, Judge MacMaster's court, the case of Herbert E. Sullivan, by his friend. William B. Sullivan, against Mary P. Golibard for \$5,000 damages was on trial. The plaintiff in the suit is a boy about twelve years old. More than a year ago Mrs. Golibard caught young Sullivan, who was playing near her house with other boys, took him into her house and tied him with a clothes line. She charged that the boy was stealing her cherries and school children gathered about the house at the time and threatened to break the door down and rescue their comrade. What | Mass.] might have been done was prevented by the appearance of the boy's mother and a policeman. The boy was then released. Mrs. Golibard telephoned for the policeman and when he arrived said she did not want the boy arrested, that she only wanted to scarce him so that he and other boys would cease annoying her. No arrest was made. The suit for damages was filed a few

Telephone Company, It is charged that Bauman lost his life by being struck by a Company while working for the telephone of his assistants.

In the Probate Court.

yesterday, leaves all of his property to his women, and for a new home. wife, with the exception of real estate on the work for the last year:

The will of Rhoda Plimey leaves all of her property to her husband, Edwin J. W. Plimey, who was also appointed executor of the estate and gave a bond of \$500. John A. J. Bolander was appointed administrator of the estate of Andrew J. Belander and gave a bond of \$200.

Suits on Policies.

Nancy E. Smith and Flora A. Oglebag widew and daughter of John L. Smith. yesterday filed suit against the Life Assurance Company of America on a policy for \$5,000 held by Smith. It is alleged that the specifications of the policy have been complied with, but the company refuses to pay, Minor T. Madden brought suit against the same company on a policy for \$3,500 held by Matilda J. Madden.

Indicted for Drunkenness.

Mize Russie was yesterday indicted by the grand jury on charges of drawing deadly weapons and drunkenness. It is a rare thing for a man to be indicted by the grand jury for drunkenness. The charge is that he became engaged in a quarrel on a Pennsylvania passenger train and drew a knife on Plummer Gastiman.

THE COURT RECORD. SUPERIOR COURT.

Room 1-John L. McMaster, Judge. Herbert C. Sullivan, by next friend, Wil-Ham B. Sullivan, vs. Mary P. Golibart; damages. On trial by jury. Room 3-Vinson Carter, Judge. John Heid vs. Indianapolis Street-rall-

way Company. Damages. Dismissed by plaintiff. Judgment against plaintiff for Oliver R. Wald, administrator of the estate of Earl R. Bauman, deceased, vs. The

al.; damages. On trial by jury. CRIMINAL COURT. Fremont Alford, Judge.

Elenora Schmitt; profanity. Appealed from Justice Smock. Motion to quash sus-Carrie McClary; petit larceny. Sentence suspended on plea of guilty. NEW SUITS FILED.

Minor T. Waddell, administrator of the estate of Matilda J. Waddell, vs. the Life Insurance Company of America; on policy. Superior Court, Room : Deposit Savings and Loan Association vs. May Anzell et al.; mortgage foreclosure. Superior Court, Room 1. Nancy E. Smith et al. vs. the Life Assurance Company of America; on policy. Superior Court, Room 1. F. Marion Clark vs. C., C., C. & St. L Railway Company; damages. Demand, \$35. Superior Court, Room 3, Mattie McKnight vs. Jacob McKnight;

HIGHER COURTS' RECORD. SUPREME COURT.

divorce. Superior Court, Room 1.

-Minutes-

19666. State of Indiana ex rel. William Geake et al. vs. Joseph V. Fox, comptroller, etc. Allen C. C. Appellant's reply 19667. State of Indiana ex rel. Robert B. Diebelbiss vs. Henry C. Berghoff, mayor, etc. Allen C. C. Appellant's reply brief.

19679. Otis P. Robinson vs. Shelby A. Seals et al. Martin C. C. Appellant's petition to reinstate appeal. The Indiana Trust Co. exr. vs. Susie A. Finitzer. Marion C. C. Appellant's brief (8). -New Case .-

19730. Consumers' Gas Trust Co. vs. ment cross errors. Joinder. APPELLATE COURT.

-Minutes-3718. P., C., C. & St. L. Ry. Co. vs. Thomas F. Mahoney, admr. Howard C. C. Appellant's points for oral argument (10), 1990. The Wabash R. R. Co. vs. William M. DeHart. Warren C. C. Appellant's reply brief (10). 3996. Chicago, Indiana & Eastern R. R. Co. vs. Frank Linn. Miami C. C. Appel-

408L. The city of Greenfield vs. Mary E Johnson. Hancock C. C. Appellee's brief 3672. Ira F. Place vs. John W. Baugher. St. Joseph C. C. Appellant's petition for leave to file reply brief.

lee's brief (8).

-New Cases-4187. Dina Sauer vs. Eberhardt P. Schenck et al. Vanderburgh S. C. Transferred claimed, she had stolen. On her person from S. C. 19586. 4188. Phelan Wolf vs. Tamma Shelton. Howard S. C. Transferred from S. C. 19591. 4189. Edward C. Roberts vs. Indianapolis

Street Ry. Co. Marion S. C. (60209). Trans- waiting at the Star store for a clerk to PRIMARY ASSESSEMENT ROLLS AP-Work. Marshall C. C. Transferred from | floor-walker.

RECENT LEGAL OPINIONS.

-Enforcement of State Laws-Federal Interference .-The Supreme Court of Nebraska has held that the federal courts are without power or jurisdiction to enjoin a State from the enforcement of its own laws. The attorney general of that State had brought a suit against a railroad corporation, and then presented a motion to dismiss the case for the reason that he had been enjoined by the United States court from the prosecution thereof. The court decided that the attempted restraint of the attorney gen- broken with apparently as much ease as eral by such court was an attempt to restrain the State itself, and what the court cannot do directly, it may not do indi-

rectly. [87 Northwestern Reporter No. 9.] An advertising manager was discharged the aged Chicago millionaire, years ago by his employers, who sent circulars to announced that he was "going to be his their advertisers notifying them that the own executor." He has already disbursed plaintiff and others had been dispensed over three million dollars to colleges, hosto the business, and their places would be filled with competent parties. It was held survivors to fight over. His, however, is a in his business, and are therefore libelous. and unless the defendant shows a lawful excuse the plaintiff is entitled to recover, without allegation or proof of special damages, because both the falsity of the words and resulting damage are presumed. [71 New York Supplement (Judge Clarke).

-Support of Parent-Breach of Contract .-

parent is not only entitled to the substantial provisions agreed upon, but is also entitled to kind and hospitable treatment; and failure in providing these is a breach of the contract. Such a contract is personal (in its nature and cannot be assigned. [86 Mo. Appeals (Judge Ellison),

-Martiage and Divorce-Contract .-A contract to marry pending proceedirgs for divorce and while the contracting husbang was the lawful husband of another woman, of which the contracting wife had knowledge, was contrary to public policy, good morals and utterly void. [14 Col. Appeals (Judge Thompson), 404.]

-Nuisances.--The blowing of a factory whistle at unseasonable hours in a populous community. which is entirely unnecessary and so harsh and terrific as seriously to interfere with plaintiff's reasonable enjoyment of his habitation, is held, in a Georgia case, to be a nuisance which may be enjoined. [52]

Lawyers' Reports Annotated, 398.] -Patents-Public Use Affecting Validity .-Where a party made and sold a comhis invention more than two years before present, and carefully followed the board's his application and it was then put 'o use, it is held that such public use and sale invalidates the patent. As a general rule a single unrestricted sale of a device embodying the completed invention is a public use or sale within the meaning of the law; but this general rule is not applied street, from Noble street to Arsenal aveannoying her in various ways. Dozens of in all cases where the purpose is to test nue. It was the first time, under the new the utility and efficiency of the patent. [Official Gazette of Patent Office, Oct. 8 Decision by Judge Colt, U. S. Court of | have had a hearing as to benefits and dam-

THE RESCUE MISSION.

Annual Report of Superintendent Wheeler Submitted.

The annual meeting of the Rescue Mission managers was held yesterday morning at which time the report of Superintendent W. V. Wheeler was submitted. It covered Judge Carter, in Room 3, yesterday began sixteen typewritten pages, including letters the hearing of the damage suit of Oliver | from Judge Daly of the police court, Dr. M. | first alley south of Thirty-first street, be-R. Wald, administrator of the estate of J. Spencer, superintendent of the City Hos- | tween Meridian and Pennsylvania streets. Earl R. Bauman, against the Indianapolis | pital, James F. Quigley, as superintendent | Light and Power Company and the New of police, and A. D. Shaw, superintendent of the Marion county workhouse, all of live wire belonging to the Light and Power | them complimentary to his work and that | fire department apparatus could not get to

mendations for the extension of the work | this alley for \$50 a front foot, when propin new fields, chief among which were the The will of Alexander Mock, probated needs in connection with the assistance of The following is a condensed report of

> Number of visits made by superintendents and assistants. Number of sessions of police court at-Number of services held in mission Number of services held in work-Number of services held in City Hos-

Number of services held in reformatory and elsewhere Number of funeral services conducted. Total number of services held. Number of penitens at altar during Number of penitents at altar during Number of mothers' meetings and in-

Number of Sunday-school sessions

Number of picnics Number of girls received, mostly from police court, and returned to parents or friends, or provided for .. Number of garments given out...... 1,460 The election of officers for the ensuing

year resulted as follows: President, W. H. Elvin; vice-president H. Spann; secretary-treasurer, W. H. Hubbard; superintendent, W. V. Wheeler; assistants, Mrs. Dowler and Mrs. Mary E. May: trustees, H. H. Hanna, the Rev. M. L. Haines, Morris Ross, W. H. Hubbard, J. M. Dalrymple, T. H. Spann, W. H. Elvin and W. V. Wheeler.

METHODIST MINISTERS.

Officers Elected and Other Important

Business Transacted. The Methodist Ministers' Association con- the newspapers and the general public vened yesterday morning for the first time since the adjournment for the summer sea-Indianapolis Light and Power Company et | ed and the following officers were elected: President, J. W. Baker; vice president, McCulloch that they would talk further Robert Zaring; secretary and treasurer, S. about the matter with him at the meeting B. Grimes; executive committee, V. W. Tevis, J. L. Funkhouser and W. S. Rader. Dr. Halstead, secretary of the Methodist Hospital of Indianapolis, spoke on the work of the hospital and said that \$2,000 had been pledged for the building of two rooms. This is two-thirds of the amount which ministers of this district undertook to raise. It is thought there will be no trouble in securing the \$3,000 required. Secretary Davis, of the Y. M. C. A., spoke on the work of that institution and the part which ministers took in the success of the institution.

Dr. C. E. Bacon, who attended the Ecumenical Conference at London, was asked to speak on the work of that conference. He declined, saying he would present a report at a future meeting. Dr. Hickman, of De Pauw University,

talked of that school and said the university was falling behind and would of necessity be distanced by other schools unless it took up new lines of work. A message of condolence was sent by the ministers to Dr. W. C. Taylor, pastor of the College-avenue Baptist Church, whose wife died Sunday evening. The Rev. Mr. Funkhouser, of Grace M. E.

Church, was selected to read a paper at the next meeting on "What Doctrines of man of the board. Methodism Need Especial Emphasis?"

NORTH-MERIDIAN RESIDENCE.

Mrs. Moses Eckhouse Sells Her Prop-

erty for \$21,000. Emma Eckhouse, widow of Moses Eck-American Plate Glass Co. et al. Madison house, yesterday sold her residence prop-S. C. Record, assignment errors, assign- erty at the corner of Meridian and Seventeenth streets to Minnie W. Wild for \$21,-000. Moses Eckhouse was one of the most prominent liquor men in Indianapolis several years ago, and his residence on North Meridian street is an old homestead. Lena Davidson yesterday sold her property on North West street, near Indiana avenue, to Adam Metzger for \$3,000. Caroline V. La Rue has purchased a residence property with two lots on Walnut street, near Bismarck avenue, of Albert C. Jones for \$3,000.

Mrs. Kate Wells Arrested. Mrs. Kate Wells, of 413 North California street, was yesterday arrested at the Star store and charged with being a shop-lifter. She had a piece of gingham which, it was were also found two pairs of hose, which, it was said, came from the New York store and L. S. Avres & Co. She claimed the hosiery was purchased and that she was wrap up the gingham which she held in her 4190. Charles C. Vink, treas., vs. Julia E. hand and which was taken from her by a

AFTER HE DIES.

A Man's Will Is Not Always His Way Then, by Any Means. The Great Difficulty of Devising Money So It Shall Reach Those for Whom

the Testator Intended It.

"It has well nigh come to pass where the last will and testament of no man is proof against assault. The wills of the most able and distinguished lawyers are those of the most unlearned persons.' The foregoing is quoted from a prominent Western paper, and there seems to be no certain method of preventing the lamentable condition noted. Dr. D. K. Pearsons, wife there will be no estate left at all for every rich man.

ance money, which goes straight to the surance money is paid at once to the per-A contract by a child to support the sons whom the living man wished to proparent during his life implies that the teet and benefit.

THE NEW BOARD OF PUBLIC WORKS HOLDS A MEETING.

Several Matters of Moment Brought to the Board's Attention-Other Municipal Affairs.

The new Board of Public Works sat officially for the first time yesterday morning. Albert Sahm, the chairman of the old board, was present during the session. and lent his assistance to the new board lete and perfected machine embodying when needed. Mayor Bookwalter was also

One of the problems for the new board to solve was the adjustment of the assessments for the block pavement on Ohio improvement law, that the property owners ages, and there were fully a score of them present to register their protests. The matter was to have been heard by the old board last Friday, but the hearing was unloaded on the shoulders of the new board. After hearing all sides, Chairman Megrew announced that the board would take the matter under advisement.

At an adjourned session of the board, which was held at 5 o'clock in the afternoon, a resolution was adopted rescinding the action of the old board in vacating the | there were two in sight. The third one In his petition to the board Merrill Moores complained that the old board's policy of closing alleys in his part of the city put buildings in great danger from fire, as the them. He further asserted that in this | trance to us was about northeast by north particular case the old board had sold to Mr. Wheeler made a number of recom- | Fletcher Hines and James E. McCuilough erty in the square is worth \$200 a front foot. He said it would be necessary to open streets in that part of the city some day, and then the city would have to buy the ground back at \$500 a foot.

which a son lives, which is left to his Number who have called at office. 4,106 Hoosier Construction Company, and Vice President Jones, of the Indianapolis Street-3,593 railway, were called before the board in the interval between the Texas and the regard to the block pavement on Illinois Brooklyn. I went in the conning tower street, north of Fall creek. The Construction Company is preparing to lay the blocks on the street and the Street-railway Com- I wanted to do was to keep straight for pany is preparing to pave between the the fleet. They wavered a little, some tracks and eighteen inches on each side. | times they turned one way and then an-Mayor Bookwalter's idea is that the paving other. We shifted helm once or twice, but company should do all the work in order | very little indeed, and finally, when we to prevent an unsightly seam where the were getting up fairly close, say between work of the Hoosier Company and the 1,500 and 2,000 yards, it seemed to me clear street-railway company join. This plan that they wanted to pass between the Texhas always been followed before, but this as and the Brooklyn. The Texas was well time the two companies could not agree as on our starboard hand and she was headed to price. The matter was talked over with | to the northward and westward. All ships the representatives of the two companies | were carrying out instructions of the com and was finally postponed until to-morrow, | mander-in-chief, and that was to head in with the understanding that the two com- | for the entrance. We were well to the

> at an understanding. George F. McCulloch, president of the Union Traction Company, appeared before the board for the purpose of having some | was coming straight for this interval. action taken with regard to the interurban | stepped out of the tower on the port side franchise. Mr. McCulloch said he did not want to exhibit any undue haste in the matter, but his company found itself to be in an emergency from which it could only be relieved by some definite understanding | westward. about a franchise. He said his company did not intend to run its cars into the city until it had the right to do so and that unless the franchise was granted within a reasonable lengh of time the company would of necessity be compelled to build a shelter house outside the city limits on which his cars could be run on a "Y" switch. The cars of the Indianapolis Company, he said, could also be run into the shed, and in this manner the company would be able to afford shelter for the public. There was no reason, he said, why the matter should not be settled soon as t had been thoroughly thrashed out by during the past year. Three contracts had as, and changing her bearing very rapidly would like to have the matter settled as clear opening between us and the stern of soon as the new board could conveniently take it up. The members informed Mr.

City Officials File Bonds.

Bonds of new city officials have been seured from the Union Surety Company and City controller, George T. Breunig, \$25,000; city attorney, Frederick A. Joss. \$5,000 deputy city attorney, Lynn D. Hay, \$1,000; members of the Board of Public Works, Harold C. Megrew and Edwin D. Logsdon, \$5,000 each.

Health Board Allows Bills.

The city Board of Health held a short meeting late yesterday afternoon and allowed bills for the past month to the amount of \$2,100.

BOARD OF WORKS ROUTINE.

RESIGNATION ACCEPTED. Mayor Bookwalter accepted the resignations of Albert Sahm and Joseph W. Smith as members of the board, the same taking effect Oct. 12. Harold C. Megrew and Edwin D. Logsdon were appointed members of the board, the same taking effect Oct. 12. Harold C. Megrew was elected chair-

FINAL ACTION TAKEN. timated cost, \$3,800. first alley southeast of Sutherland avenue, street. Estimated cost, \$875.

from Twenty-eighth street to Bellefontaine | thing to that effect. I said she was away, Resolution No. 326, for grading and graveling the roadway of Draper street, from | She came up very rapidly. She was mak-Cottage avenue to Minnesota street. Es- ing more speed than we were at that time. timated cost, \$1,000. ACTION DEFERRED.

Approval of final assessment roll for improvement of Ohio street, from Noble street | the Brooklyn at that time? to Arsenal avenue. Remonstrance pre Approval of final assessment roll for improvement of Pratt street, from New Jer-

sey street to Park avenue. CONTRACTS AWARDED. To Henry Maag, for cement sidewalks and curbing on Summit street, from Southeastern avenue to Bates street, at \$1.20 per lineal foot.

To J. Harry Roberts, for grading and graveling the roadway and paving with cement and curbing the sidewalks of Glen street, from Owasso street to New York street, at \$1.75 per lineal foot on each side. FORMER ACTION RESCINDED.

Resolution No. 299, for cement sidewalks on north side of Ohio street, from Highland avenue. on north side of Ohio street, from Highland avenue to Oriental street. PROVED.

Resolution No. 143, for local sewer in Blake street, from New York street to the third alley south. Resolution No. 256, for local sewer in Twenty-eighth street, from Illinois street | board?" to the first alley east of Capitol avenue. FINAL ESTIMATES ALLOWED.

Resolution No. 41, in behalf of J. C. Veey, for cement sidewalk on Eleventh street, from Central avenue to College ave-Resolution No. 281, in behalf of A. D Bowen, for cement sidewalk on the east side of Pennsylvania street, from Maryland street to Georgia street.

FIVE NEW CONCERNS.

More Capital to Be Utilized Along Industrial Lines.

Five large Indiana concerns were incorporated yesterday, an Indianapolis company being in the list. The Advance with; that the reason for the change was pitals, etc., and intends to so arrange his Veneer and Lumber Company, of Indiantheir general careless manner of attending affairs that after his death and that of his apolis, incorporated with a capital stock of \$50,000, has the following directors: that such words tend to injure the plaintiff drastic method not likely to appeal to Cyrus C. Barrett, Charles E. Barrett and William M. Dickerson. The company will of any kind during the action." The carrying of large sums of life insur- operate a saw and veneer mill in this city. The Jonesboro Oll and Gas Company, parties indicated by the policy holder, is a Jonesboro, was incorporated with \$50,000 sure way of depriving other claimants and | capital. The directors are: Fred Schrader, the lawyers of an estate never meant to Thomas A. Massop, Charles E. Rothing-reach them. Undiminished by inheritance house, George W. Wilson and Charles E. taxes, "costs of settling the estate," or Horne. The company will drill and operate other post-mortem shrinkages, the life in- | gas and oil wells in and surrounding Jones-

yesterday, giving its capital at \$500,000. The directors are James Oliver, Joseph D. Oliver and George Ford. The Fort Wayne Golf Club, a club organized at Fort Wayne for social purposes, filed articles of incorporation yesterday. The directors are R. H. Carnahan, J. Ross McCulloch, C. S. Knight, P. Benson, W. R. Seavey, Joe Freiburger, Fred E. Hoffman, J. P. Fraser, W. P. Breen, H. C. Rockhill, M. Evans, Benjamin S. Woodworth, W. H. Shambaugh and C. S. Fisher. The directors of the Big Four Coal Company incorporated vesterday with \$6,000 capital to operate coal mines in Warrick county are John F. Heinzle, John E. Kelly

COOK'S TESTIMONY.

George P. Nester and Robert Gaugh, all of

(CONCLUDED FROM FIRST PAGE.) that Commodore Schley's constant ide was that the vessels should be kept well supplied with coal and kept moving constantly, as his theory was that the Spanish fleet would come out of the harbor. General interest was manifested throughout the courtroom when Mr. Hanna began his inquiries about the battle of July He asked:

Were you on deck when the fleet came out of Santiago harbor on July 3? When were they first sighted? The reply was in the negative. Captain Cook said he had at that time been in the The next question was: "How did you first learn the fleet was coming out?" The reply to this brought Captain Cook's story of that engagement as follows: ' heard the executive officer call out 'clear ship for action,' and as I had given directions to have the ship ready for inspection, I knew at once something was

"No. I turned in the night before about midnight, feeling rather the other way, all thought of their coming out having been "When you came on deck where was the Spanish squadron? What were they do-"When I first arrived on the forecastle

happening. I went on deck immediately." Had you any intimation the night before

that the fleet was coming out?

was just outside the entrance and the fourth appeared immediately afterward." "What did they do when they came out? Which way did they head? HOW CERVERA'S SHIPS CAME OUT.

"We were to the westward. The ensouth and turned as they left the entrance to four points southwest, so that they turned in our direction. When I first got on deck the helm had been starboarded, heading a little to the northward. When I Clarence A. Kenyon, president of the saw the fleet they were heading southwest and seemed to be coming straight for and directed the helmsman. I told him what panies would in the meantime try to arrive | westward and headed to the northeast. When I saw that I ported the helm perhaps half way over. She was swinging starboard very rapidly. The Spanish fleet to get a good look at this fleet, to see just what they were going to do as to our rela tive positions, and I saw they evidently pu helms hard aport and were turning to the We were then turning very rapidly to starboard with port helm and we had turned. I think, almost to the east. The Texas was well on our starboard side I then gave the order, 'Hard aport' to the helmsman, ran through the opening between the shield and the conning tower to the other side, on purpose to see our own fleet and relative positions. Quicker than I can tell it, the Commodore called to me, 'Cook, hard aport,' or 'is your helm aport?' I answered, 'The helm is hard aport, turning as rapidly as possible.' As I watched the Texas the bow of the Brooklyn seemed first to point to her port bow I never saw the starboard bow of the Texbeen signed by the old board, and if it the bow of the Brooklyn passed along the was necessary for another to be drawn he port side of the Texas until there was a the Texas. We made a complete turn, a very quick turn, with helm hard aport until we came around and paralleled the fleet on the other side. As we paralleled the Spanish fleet the Viscaya-Admiral Dewey-May I interrupt? How

near did you pass to the Texas? TURNED CLEAR OF THE TEXAS. "I never thought of a collision. It never entered my head. I never for a moment had one idea of danger in that respect. We passed, I judge, about 400 yards, had handled the ship under all circumstances, and got so I could judge pretty correctly, and my impression was that we were alout the distance we sailed in squadron. Eut a collision I never thought of. She turned perfectly clear of the Texas. came around and then we had the Viscaya on our starboard bow and about abeam was the Oquendo and then the Colon. At the time, I thought it was the Teresa, but I soon discovered this vessel was dropping out and heading for the beach. That was about the hottest time of the action. It was a critical time. There was not any time for indiscretion and I do not think there was any. I have always felt in my mind, in studying the position, that the chances would have been for a disaster had we shifted helm at such a time. However, we got around and we had those and curbing on Twenty-fourth street, from | They were all three firing on the Brooklyn, | jecture. Central avenue to College avenue. Es- when almost immediately I saw the bow of a vessel. I exclaimed at the time, 'What Resolution No. 325, for local sewer in the | was that?' The navigator, who was near me, said it was the Massachusetts, or someand he then said, 'That is the Oregon.' felt perfectly assured from that moment. She had all her boilers on, had shifted boilers that morning from forward to aft. She had steam and hot water on.

"Where was the Oregon with respect to 'I estimated 600 yards. She passed in between the Texas and the Iowa. She get in between that opening, came to the northward of the Texas and came out about 800 what we made to the southward in turning. We made more than the tactical diameter. because we passed part of that distance with helm half aport.'

"What is the tactical diameter of the Brooklyn? "About 650 yards." "Was it easy to handle the ship under such circumstances?" 'I never have seen an equal to her.' 'Was the starboard engine of the Brook-

lyn reversed during that turn?" 'It was not. There was question about that. The reason I feel positive of that is Resolution No. 300, for cement sidewalks in recalling the circumstances. My impression is it may have been the commodore or the navigator; one of the two said something about backing the starboard engine. My reply, I remember very well, was I did not want to lose the speed of the ship; that she was turning all right and rapidly, and I wanted to keep the speed of the ship. 'At the time you saw the Oregon coming up out of the smoke, was she on your star-

"Starboard quarter." 'And between you and the Spanish 'Never between us and the Spanish "Where were the Spanish ships at that There never was anything between us and the Spanish ships. She was on our starboard quarter.'

the story, as I did not care to interrupt | West, both Sampson and Schley thought | a. m., May 26, and was the dispatch directyou, you say you heard the commodore say at one time, 'Hard aport.' That was after the strange conduct of Adula increased ceed at once to inform Schley that the you had begun to make the turn, and the | that impression, and that they had thought helm was hard aport? NOT HARD APORT

Nearer in shore?

aport. My impression is now, although it Cuba. was not at the time, it was about as near the same time as has been given. There was perfect understanding between the commodore and myself. Never a question

as to whether the helm was put hard aport

dience to an order from the commodore?" Bend filed new articles of incorporation 'I now think was simply to confirm himself 'twenty-five minutes to couple up all the if I could possibly do so, and avoid the la- court adjourned until II o'clock to-morrow.

The Grandest Carnival Indianapolis Has Known. All This Week. Members of the Merchants' Association. WASSON'S



A Glorious Show of Autumn Styles

What does one admire more in a Suit, Costume or Wrap than that it is not common-not to be seen in the show windows of every shop in the city? There is no single part of our mammoth ready-to-wear business to which we have paid so much attention as to that of exclusiveness. The moderate priced, as well as the more luxurious, have an indescribable but unmistakable air of refinement so dear to the heart of well-dressed women.

A STUNNING SHOW FOR CARNIVAL WEEK



Ladies' fine imported Costumes and Evening Dresses, no two alike, of silks, velvets, crepes and broadcloths, trimmed

Ladies' fine Tailor-made Suits, broadcloths, English cheviots, granite cloths and coverts, Northles, 1 and flounce skirts, \$15.00 granite cloths and coverts, Nortolks, Prince Alberts, blonse Ladies' new Silk Dress Skirts of taffeta and peau de soie silks,

tuck, hemstitched, velvet ruffles and chiffon trimming, con-

fined styles, largest line shown in the city, at \$95.00, \$10.00 Ladies' Pedestrian or Rainy-day Suits, of cheviots, coverts, plain and fancy striped meltons, tight-fitting, Norfolk and plain and fancy striped mertons, tight design at \$25.00, \$12.50 blouse jackets, new flare and flounce skirts, at \$25.00, \$20,00, \$15,00 and.....

Ladies' Rainy-day or Street Skirts, blues, Oxford, blacks, grays and greens, new stitched and cord tucked, trimmed flounce and flare bottoms, new yoke and stitched tops, at \$12.50, \$10.00, \$4.50 and..... Ladies' 27-inch Jackets, kersey, cheviots, vicunas and mon-

tagnacs, box and fitted backs, box fronts, silk facings,

storm and coat collars, satin and taffeta linings, \$25.00, \$18.50, \$15.00, \$10.00 and..... Ladies' 42-inch and full length Jackets and Raglans, in all the new materials, medium and heavy weight, full box and fitted backs, blacks, Oxfords, tans and castors, at \$12.50

Children's Reefers, Newmarkets and Automobile Jackets, all lengths, all new materials, all new styles, all the sizes from 2 to 14 years, largest children's department in the city, CE AA \$35 00, \$25.00, \$18.50, \$12.50, \$7.50 and..... Ladies' French botany and Granite Flaunel Shirtwaists,

stripes, fancies and plains, reds, blacks, greens, blues, tans, rose, heliotropes and whites; embroidery, button and tuck trimmed, \$7.50, \$6.00, \$5.00, \$3.50, \$2.50 and..... Ladies' taffeta and peau de soie silk Shirt and Dress Waists, all the new colors, white and black, new tuck, hemstitched,

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\$10.00, \$7.50 and..... A Tremendous Purchase of Blankets, Comforts

Overstocked manufacturers had to sell, we supplied them with ready cash, consequently these remarkably low prices. \$5.00 all-wool white Blankets ... \$3.75

40c 10-4 gray Blankets 20c 75c double cotton Blankets.....50c 98c double teazledown Blankets...69c \$1.15 heavy double fleeced domet \$1.35 large teazledown Blankets ... 98c

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\$1.00 machine-stitched Comforts...69c

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in the idea that he was turning with a hard "At that time did you hear any conversation between the commodore and the navi-

\$4.50 all-wool black and white

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"I did not. "Did you see any torpedo boats?"

"I did not." Were you afraid of being rammed at the time the turn was being made? "No. There was some danger about it, but I did not give it a second thought, from the fact that I knew they could not ram unless they got within my turning circle. "Were you afraid of blanketing the fire of our fleet by turning one way or the

"We might have done it by turning the "Had you turned with a starboard in stead of a port helm, would such action have advanced you so far as to bring you within the line of movement of the ene-

"Provided they had taken advantage of it; that is to say, if they had continued on their course southwest straight for us, and we had turned so as to bring them within our turning circle, it would have made ramming possible, certainly. "How were they heading when this order hard aport was given?" "They were heading southwest.

"Were they then headed so had you gone the other way?" "And they discovered the movement? estimated 1,500 yards, and so made it in ing but smoke astern and the vessels have gone 700 yards. They would not have

Mr. Hanna-What was the conduct and fire on such occasions that you had the mander of the New Orleans to keep it sage was given to me. opportunity of observing?

SCHLEY'S BEARING. "I always regarded him as an enthusias-

tically brave and patriotic officer. Never in any other way." At this point the court took the usual recess for luncheon. Continuing his state- three minutes at a time. The Colon and the ington end. My copy reads: 'It is to be rement after the noon recess, Captain Cook | shore batteries fired at the American ships, | gretted that the department's order cannot said he thought that if the engines of the Texas had been backed he would have obyards from us. I mean a perpendicular | said, "the Texas was quite a distance from | yards, and that it was necessary to verify course, and that would account for just us." He recalled a brief conversation between Lieutenant Hodgson and himself con- ; the shore batteries on June 14, when, he cerning the Texas while the Brooklyn made said, the New Orleans went within 2,000 its famous loop. He said that on that occasion Hodgson had called his attention to casion both the eastern and western batthe Texas and that he had replied, saying | teries were silenced. The bombardment of he saw the vessel, which Hodgson had afterward told him had entirely reassured him. He had never himself used the expression, "Damn the Texas." to Hodgson. "On the contrary," he said, "I had every reason to bless her." He said he had not, at the time, known a change in the Brooklyn's log in which the entry had at first been to the ffect that the helm was put to starboard and then changed to "helm aport." He remembered the addenda to the log, and had consented that it should be written, but he had given instructions that there should be no change in the original log.

At Mr. Hanna's request Captain Cook read and identified a letter written by him (Cook) on Sept. 29, which had been referred to when Admiral Evans was on the stand. The letter referred to a supposed issue between the witness and Admiral (then captain) Evans, but the court, through Admiral Dewey, remarked that Admiral Evans was not on trial, and ruled the letter out.

In reply to a question by the court, Captain Cook said that he did not know of any efforts that had been made to find a the Spanish fleet was at Clenfuegos; that the firing of guns there indicated the pres-"Yes, the helm was aport, but not hard over being sent to the southern coast of

tacking the Spaniards and the witness replied that there was no specific order that he recalled, but that the general order was to attack whenever the enemy should be encountered. At Cienfuegos the American fleet lay out six to nine miles, being nearer "I will ask if your recollection is clear at night than during the day. From May 22 to June 1 the prevailing direction of the wind had, he thought, been southeast to by yourself first or that you did it in obe- southwest. The fresh winds were, however, northeast

engines, which would, he said, have been done if it was apparent that the Colon was getting away

The witness also said, in reply to the court, that the Spanish ships had not turned to the west when the Brooklyn began its turn. The court asked what safps would have had their fire blanketed if the Brooklyn had turned with starboard helm. Captain Cook replied that the fire of the Texas might have been blanketed and the movements of the Oregon might have been interfered with. "This," he added, "is, how-

anything at the time but turning the vessel o the southward. At Santiago, he said, the blockade had been from five to six miles off the entrance to the harbor. Captain Cook was then excused. Mr. Rayner did not cross-examine, saying that he would desire to call the cap-

tain later for examination in chief for Admiral Schley.

FULLAM AND BEALE. Last Two Witnesses in Behalf of the

Navy Department. Lieutenant Commander W. F. Fullam, who was the senior watch officer on the dered in the original to Port Royal instead New Orleans during the Santiago cam-Yes, I think they would. The chart dis- paign, was next called. He said the New tance given at the time was 1,100 yards. I Orleans had joined the flying squadron in all probability the code book contained my report. In the first place, we must have on May 30, finding the squadron lying about of Port Royal. Now, as regards the added lost by shifting helm at such a time. Then, seven miles out. The distance of the line sentence, I have a copy of that in my daily three vessels. I looked and could see noth- if we had turned the other way, we must outside the harbor under Commodore journal. The copy does not contain the seemed enveloped in this smoke. I could had much distance to run to get entirely Schley's command had been from six to journal a note referring to this message, Resolution No. 324, for cement sidewalks not understand exactly how we got there. within our turning circle. That is all con- eight miles, and at night the vessels had which reads: 'Add very difficult to tow steamed back and forth. He had heard of collier. Cannot get cables to hold.' From bearing of Comodore Schley while under | no orders except the order from the com- sheet was prepared an addition to this mes-

always ready for action.

of the Color, the American vessels did not | ders of the department? go nearer than 10,000 yards. All the shots fired, with one exception, had fallen short. given me to translate into cipher. I have The Colon was in sight for only two or not a copy of the translation at the Washbut no damage was done. Commander Fullam also testified concerning the stadimeter, saying he had West." Mr. Beale was the last of the govfound that it was not reliable beyond 2,000 ernment's witnesses. measurements by it with the sextant. The witness also described the bombardment of yards of the eastern battery. On that oc-

In reply to a question by the court, Mr. used on board the New Orleans to determine the distance of the Colon except noting the fall of shots. Referring again to the distance out of the blockading line at Santiago, the witness in the daytime, and that at night he could | should be "pilot." distinguish the mountains on shore, but

discovery that the land batteries were very

that other objects could not be distinguished. as a volunteer during the war with Spain. He had served as an officer on the Har- such size. On June 1 he had gone on the vard. He detailed the meeting of the Har- Vixen to the Cuban coast with a message Commodore Schley from Mole St. Nicholas. Schley had sent him on this mission, and There were five of these dispatches, which he had then been told by Cebereco that the had come in cipher, and which he had Spanish fleet was in the harbor. This inlanding place at Cienfuegos prior to the translated. One was from Admiral Samp- formation Nunez said he had carried to Adarrival of the Marblehead. He also said, in son and the other four from Secretary miral Sampson under the direction of Comreply to a question by the court, that when | Long. The last one from the secretary the flying squadron started out from Key | was received at Mole St. Nicholas at 8:20 | a copy of the letter which the pilot said he ing the commander of the Harvard to "prodepartment's information is that the Spantards are at Santiago." He read this disence of the enemy there. He also said | patch and also one from Admiral Sampson that Commodore Schley was enthusiastic | saying that the Spaniards were at Santiago, Both these dispatches were, he said, deivered to the commanding officer of the The court also asked about orders for at- | Harvard by him. In cross-examination, Mr. Rayner questioned Mr. Beale about the dispatches. The witness said that he had seen nothing of the dispatches from the Navy Department after translating them get into the harbor at Santiago was that and handing them to Captain Cotton, of the Harvard. Mr. Beale, the last of the fleet had never before been seen there; he government witnesses, was then excused. | thought the harbor both too narrow and Mr. Beale said he had translated into too shallow. He had expressed the opindispatch of May 26. He explained the ver- ery" (twin screws) they could not get in bal changes in this message, saying: "In without the assistance of tugs, In reply to the court, Captain Cook said the first place, in regard to the verbal dif-

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32, 34, 36 SOUTH ILLINOIS STREET. bor of spelling out a word letter by letter For example, 'Bad, boisterous weather.' If ever, an afterthought. I never thought of I could not find the word 'boisterous' would use 'bad,' so that it would appear bad weather. In the same way it is sometimes possible to send a number of words as a phrase or to find in the code book an equivalent phrase of very nearly the same wording and the same meaning. In that case I would use the phrase. As regards the difference in the amount of coal ordered to be at Key West I have a very clear recollection of that. The number '10,000' was much easier and simpler to send than '9.500,' and so I sent it as '10,000,' believing that an excess of 500 tons would do no harm. In the same way if twenty-five tons appeared in the translation of my cipher instead of twenty-seven I would explain it in the same way. I believe also there is a difference about the Harvard being orof Kingston, Jamaica. Explaining this would say that Port Royal is the naval station a mile or two below Kingston, and added sentence. I find further along in the that I infer that after the typewritten

Describing the engagement with the notes in your journal, was the tenor of this Colon on May 21 he said that while the message with regard to the obedience or orders were to go in to within 7,000 yards | disobedience or difficulty in obeying the or-"I have here only the copy of the message be relieved. Earnestly we have all striven to that end . I am forced to return to Key

Judge Advocate-What, shown by the

PILOT NUNEZ TESTIFIES.

Cuban Who Told Schley Cervera Was Not at Santiago.

At 3:30 p. m. Edwardo Nunez, the Cuban May 31 had, he said, brought about the pilot, was called as the first of Admiral Schley's witnesses. An interpreter was introduced as Nunez cannot speak English. Fulham said he knew of no means being He said he had been a pilot for twenty-one years in all the southern Cuban ports. The interpreter used the word "guide" in interpreting his statement as above and Admiral said it was about the same at night as Dewey corrected him, saying the word

Nunez said that he first met Commodore Schley on May 26, having been taken to him Commander Fullam was then excused, by the St. Paul. The commodore, he said, and Mr. Joseph Beale was called. He had asked him if he knew of the presence said he had formerly been in the navy, but | of the Spanish fleet at Santiago. He reresigned in 1895, returning to the service plied that he doubted it, as he did not think the water was deep enough for vessels of vard with the flying squadron on May 27, for Gen. Calixto Garcia, which he had dewhen that vessel carried dispatches to livered to Colonel Cebereco, Commodore modore Schley. Captain Parker then read signals similar to the code arranged by Captain McCalla at Cienfuegos. On cross-examination the witness said

that Cebereco had given him the names of the Spanish vessels inside the harbor. He gave the names of those vessels, saying that they were given to him at that time by Cebereco. The witness also said that prior to going ashore June 1 he had not seen the Colon. He had not seen that vessel, indeed, until July 3. He said that his reason for thinking the vessels could not such large vessels as those of the Spanish Nunez was then excused and the judge

that the Brooklyn was not using full power ferences in putting the message in cipher, advocate was about to call Commander ty. No question about that. It was not on July 3 until just before the Colon went it often occurs that a certain word cannot | Mason when Admiral Dewey suggested that after having heard the commodore. He ashore, when the last engine was coupled be found in the code book. In that case it as it was then ten minutes of 4 o'clock The Oliver chilled plow works of South | called out to me, as I have stated, which on. It would have required a stop of about | was my practice to get an equivalent word, | the court should adjourn. Accordingly the